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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12
13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 CHARLES W. McCALL and JAY M.
LAPINE,

17 Defendants.

18 Case No.: CR-00-0505-WHA

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20 STIPULATION AND [PROPOSED]
ORDER RE: OCTOBER 14, 2008
STATUS CONFERENCE

21
22 The Honorable William H. Alsup
23 Date: October 14, 2008

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The United States and defendants Charles W. McCall and Jay M. Lapine, through their respective counsel, stipulate and agree as follows:

RECITALS

1. On May 29, 2008, the parties appeared before the Court for a status conference.

2. At the conclusion of the May 29 status conference, the Court scheduled another status conference for October 14, 2008, but instructed the parties to inform the Court in advance of that date if the defendants' appeals of Judge Jenkins's November 6, 2007 order denying defendants' motions for judgments of acquittal would still be pending as of October 14.

3. The Court of Appeals has scheduled oral argument on the appeals for October 24, 2008.

4. The Court of Appeals advises that most cases are decided within three months to a year of oral argument. (*See* www.ca9.uscourts.gov.)

5. As set forth in greater detail in the parties' joint status conference statement filed on August 12, 2008, which is incorporated in this Stipulation and a copy of which is attached hereto as Exhibit A, it is the parties' position that it will be premature to conduct a status conference on October 14 and, accordingly, the parties respectfully request that the Court re-schedule the status conference for January 20, 2009, or another date thereafter that is convenient for the Court.

STIPULATION

Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that, with the Court's permission, the October 14, 2008 status conference is rescheduled for January 20, 2009. If the Court of Appeals rules on the appeals prior to that date, the parties will inform the Court.

IT IS SO STIPULATED AND AGREED.

DATED: September 22, 2008

UNITED STATES OF AMERICA

By _____ /s/

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Attorneys for the United States

DATED: September 22, 2008

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By _____ /s/

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CHARLES W. McCALL

1 DATED: September 22, 2008 KASOWITZ BENSON TORRES & FRIEDMAN LLP
2

3 By _____ /s/
4

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12 Attorneys for Defendant
13 JAY M. LAPINE

14 I, Michael J. Shepard, attest that Timothy P. Crudo, Theodore V. Wells, Jr. and
15 Marcus S. Topel have read and approved the STIPULATION AND [PROPOSED] ORDER
16 RE: OCTOBER 14, 2008 STATUS CONFERENCE and consent to its filing in this action.
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18 Pursuant to the foregoing stipulation, IT IS SO ORDERED.
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20 DATED: September 23, 2008
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22 THE HONORABLE WILLIAM H. ALSUP
23 United States District Judge
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